

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

APR - 1 2010

Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

SOLVAY PHARMACEUTICALS GmbH

Plaintiff,

v.

Civil No. 08-2053 (PLF)

HON. DAVID J. KAPPOS,
Under Secretary of Commerce for Intellectual
Property and Director of the U.S.
Patent and Trademark Office

Defendant.

PROPOSED ORDER


Upon consideration of the parties' Joint Motion to Lift Stay and Remand, and the record herein, it is hereby **ORDERED** that the joint motion be **GRANTED**.

It is further **ORDERED** that the stay issued in this case is lifted; and

It is further **ORDERED** that the Plaintiff's existing patent-term calculation is hereby **VACATED**; and

It is further **ORDERED** that the matter is **REMANDED** to the U.S. Patent and Trademark Office for recalculation and adjustment of the disputed patent term in accordance with the decision of the United States Court of Appeals for the Federal Circuit in *Wyeth & Elan Pharma Int'l Ltd. v. Kappos*, __ F.3d __, 2010 WL 27184 (Fed. Cir. Jan. 7, 2010).

SO ORDERED this 1st day of April, 2010.


Hon. Paul L. Friedman
United States District Judge